

REMARKS

Claims 30-39 remain in the application. In view of the following remarks, Application respectfully requests a Notice of Allowability be issued.

§ 103 Rejections

Claims 30-39 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Publication No. 2003/0174882 to Turpin et al. (hereinafter "Turpin") in view of Statutory Invention Registration No. H1506 to Beretta.

The Claims

Claim 30 recites a computer-accessible medium having one or more instructions that are executable by one or more processors, the one or more instructions causing the one or more processors to (emphasis added):

- detect a color selected from a graphic user interface (GUI) color palette associated with an authoring environment;
- *normalize component values of the selected color in accordance with a number of bits-per-channel associated with the authoring environment;*
- convert the normalized component values to corresponding component values in a standardized reference color coordinate system; and
- convert the component values in the standardized reference color coordinate system to corresponding component values in a receiver color coordinate system.

In making out the rejection of this claim, the Office argues that its subject matter is obvious over Turpin in view of Beretta. Applicant has thoroughly examined both Turpin and Beretta and, for the reasons set forth below,

1 respectfully submits that they do not disclose or suggest the subject matter of this
2 claim.

3 The Office concedes in its argument that Turpin does not specifically
4 disclose normalizing component values of the selected color in accordance with a
5 number of bits-per-channel associated with the authoring environment. Applicant
6 agrees.

7 The Office then argues, however, that Beretta discloses this element of
8 claim 1 and thus renders claim 1 obvious over Turpin in view of Beretta.
9 Applicant respectfully disagrees and submits that the Office has not established a
10 *prima facie* case of obviousness for at least this reason: Beretta does not disclose
11 normalizing component values of the selected color in accordance with a number
12 of bits-per-channel associated with the authoring environment. The particular
13 section of Beretta that the Office cites as providing this element is provided below
14 for the Office's convenience (emphasis added):

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16 It is preferable, in implementing the color editing GUI of the present
17 invention, to utilize a device independent color specification to which all
18 input palette colors and gamut measurements are referenced, or calibrated.
19 Calibration establishes a correspondence between device coordinates and
20 some universal metric such as CIE tristimulus values. The implemented
21 embodiment of color editing GUI utilizes a standard, or "universal"
22 calibrated device called the Xerox RGB Linear model, from the Xerox
23 Color Encoding Standard (CES). Thus, the assumption is made that the
24 color specifications for the input palette colors and the measured device
25 gamuts are created using phosphor and illuminant attributes of a standard
"universal" device, where the reference illuminant is, for instance,
D.sub.50, such that the unit tristimulus values of the calibrated device's red,
green, and blue primaries are defined so that their additive mixture has the
same chromaticity as illuminant D.sub.50 and a *normalized* luminance
value of 1. This means that the RGB specification for a color specified
according to this model is an RGB tristimulus specification of exactly the
phosphor gun voltage levels, *normalized* between 0 and 1, needed to create

a metamERICALLY matching color on the standard calibrated device. Preferably, these calibrated RGB values are transformed using the RGB-to-XYZ matrix transformation for the XCES RGB Linear model to the device independent color specification of X, Y, Z tristimulus values. Further information regarding the Xerox Color Encoding Standard and its implementation may be found in the publication, Color Encoding Standard, published by Xerox Corporation, Xerox Systems Institute, Palo Alto, Calif. (XNSS 289005, May 1990) (hereafter, Color Encoding Standard). Information relevant to the calibrated color model and transformations between illuminants may be found in Chapters 2, 3, and 6, Section 6-3, incorporated by reference herein.

It is preferable that color editing GUI 10 manipulate colors internally in a uniform color space. The implemented embodiment uses the CIELAB color space as the uniform color space because of its substantial perceptual uniformity and because colors are defined in the context of a reference illuminant, but it is to be understood that any other suitable substantially perceptually uniform color space may be used for internal color specification manipulation. In order to maintain consistency and color accuracy, it is preferable to use the standard illuminant D.sub.50 for the reference white for color conversions to CIELAB space using Equations (5), (6), and (7) above. (Beretta, column 27, lines 18-63).

Nowhere in this section does Beretta disclose or suggest "normaliz[ing] component values of the selected color in accordance with a number of bits-per-channel associated with the authoring environment." The following is but one example subject matter from Applicant's specification that is within the spirit of this claimed feature (Specification, ¶ 0036):

Coordinate values 415 are *normalized in accordance with the number of bits-per-channel corresponding to color space of the authoring environment*. The example of FIG. 5 shows, using an 8-bit RGB/sRGB color space at the authoring environment, coordinate values 415 are to be *normalized by converting 505 the RGB/sRGB values to floating point non-linear sR'G'B' values as follows:*

$$R'_{sRGB} = R_{8bit} / 255.0$$

$$G'_{sRGB} = G_{8bit} / 255.0$$

$$B'_{sRGB} = B_{8bit} / 255.0$$

1 *More specifically*, the individual R, G, and B component values are divided
2 by 2^x , *where x equals the bpc value for the authoring environment color*
3 *space*. Therefore, the transforms described herein can be modified to
4 accommodate whatever *bpc value corresponds to the color space of the*
5 *authoring environment*. (Application, ¶ 0036).

6 In contrast, the excerpt from Beretta above does not disclose, discuss or
7 suggest normalization in the context of “the number of bits-per-channel associated
8 with the authoring environment.” If the Office is of a different view, then
9 Applicant respectfully invites the Office to point to and specifically *explain* the
10 specific sections of Beretta and how these sections provide the subject matter
11 above. Accordingly, the Office has not established a *prima facie* case of
12 obviousness and this claim is allowable.

13 **Claims 31-39** depend from claim 30 and thus are allowable as depending
14 from an allowable base claim. These claims are also allowable for their own
15 recited features which, in combination with those recited in claim 30, are neither
16 disclosed nor suggested by the reference of record.
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1 **Conclusion**

2 All of the claims are in condition for allowance. Accordingly, Applicant
3 requests a Notice of Allowability be issued forthwith. If the Office's next
4 anticipated action is to be anything other than issuance of a Notice of Allowability,
5 Applicant respectfully requests a telephone call for the purpose of scheduling an
6 interview. If the Office comes back with an Office Action that merely re-
7 articulates its rejection without contacting Applicant, Applicant intends to file an
8 appeal.

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10 Respectfully Submitted,

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13 By: 

14 Lance R. Sadler
15 Reg. No. 38,605
16 (509) 324-9256